

## **03-01-2005 AGENDA REPORTS**

### **Agenda Item No. 7a**

City of Wichita  
City Council Meeting  
March 1, 2005

Agenda Report No. 05-0148

TO: Mayor and City Council Members

SUBJECT: Petitions for Paving, Sanitary Sewer and Water Distribution System improvements to serve Auburn Hills 15th Addition (west of 135th Street West, north of Kellogg) (District V)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petitions.

Background: The Petitions have been signed by one owner, representing 100% of the improvement districts.

Analysis: These projects will provide paving, sanitary sewer and water service to a new residential development located west of 135th Street West, north of Kellogg.

Financial Considerations: The Petitions total \$767,500. The funding source is special assessments.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the Petitions and adopt the Resolutions (hold for development).

### **Agenda Item No. 7b**

City of Wichita  
City Council Meeting  
March 1, 2005

Agenda Report No. 05-0149

TO: Mayor and City Council Members

SUBJECT: Petitions for Paving, Sanitary Sewer and Water Distribution System improvements to serve Hawthorne 2nd and 3rd Additions (north of 21st, east of 127th Street East) (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petitions.

Background: The Petitions have been signed by one owner, representing 100% of the improvement districts.

Analysis: These projects will provide paving, sanitary sewer and water service to a new residential development located north of 21st, east of 127th Street East.

Financial Considerations: The Petitions total \$1,571,000. The funding source is special assessments.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the Petitions and adopt the Resolutions (hold for development).

### **Agenda Item No. 7c**

City of Wichita  
City Council Meeting  
March 1, 2005

Agenda Report No. 05-0150

TO: Mayor and City Council Members

SUBJECT: Petitions for Paving and Water Distribution System improvements to serve New Life Christian Church Addition (south of Central, east of Greenwich) (District II)  
INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petitions.

Background: The Petitions have been signed by one owner, representing 100% of the improvement districts.

Analysis: These projects will provide paving and water service to a new church building south of Central, east of Greenwich.

Financial Considerations: The Petitions total \$87,500. The funding source is special assessments except for the water Petition which includes \$21,675 paid by the water utility for over sizing the pipeline to serve future development outside the improvement district.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the Petitions and adopt the Resolutions (hold for development).

### **Agenda Item No. 7d**

City of Wichita  
City Council Meeting  
March 1, 2005

Agenda Report No. 05-0151

TO: Mayor and City Council Members

SUBJECT: Petition to Pave University from Ridge to 200' east of Ridge (District V)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petition.

Background: On January 13, 2004, the City Council approved a Petition to pave University from Ridge to 200' east of Ridge. Based on recent bid prices, it is doubtful that a construction contract can be awarded with the budget set by the Petition. The developer has submitted a new Petition with an increased budget. The signatures on the new Petition represent 100% of the improvement district.

Analysis: The project will serve a new retail development located south of Maple, east of Ridge.

Financial Considerations: The existing Petition totals \$27,174. The new Petition totals \$40,000. The funding source is special assessments.

Legal Considerations: State Statutes provide that a petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the Petition and adopt the Resolution.

### **Agenda Item No. 7e**

City of Wichita  
City Council Meeting  
March 1, 2004

Agenda Report No. 05-0152

TO: Mayor and City Council Members

SUBJECT: Petition to construct a Water Distribution System for Fontana Addition  
(north of 29th St. North, east of 119th St. West) (District V)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petition.

Background: The Petition has been signed by one owner, representing 100% of the improvement district.

Analysis: The project will provide water service to a new residential development located north of 29th St. North, east of 119th St. West.

Financial Considerations: The Petition totals \$116,000, with \$40,600 paid by special assessments and \$75,400 paid by the Water Utility. The utility share is for the cost of over sizing the pipeline to serve future development outside the improvement district.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the Petition and adopt the Resolution.

### **Agenda Item No. 7f**

City of Wichita  
City Council Meeting  
March 1, 2005

Agenda Report No. 05-0153

TO: Mayor and City Council Members

SUBJECT: Petition to construct a sanitary sewer to serve an unplatted tract located west of Hoover, north of 8th Street (District VI)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petition.

Background: The Petition has been signed by one owner representing 100% of the improvement district.

Analysis: The project will provide sanitary sewer service to an undeveloped tract located west of Hoover, north of 8th Street. It will be combined with a sewer project approved by the City Council on January 4, 2005, that serves an adjoining tract.

Financial Considerations: The Petition totals \$22,500. The funding source is special assessments.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the Petition and adopt the Resolution.

### **Agenda Item No. 12a**

City of Wichita  
City Council Meeting  
March 1, 2005

Agenda Report No. 05-0154

TO: Mayor and City Council

SUBJECT: Water Treatment Pilot Study

INITIATED BY: Water & Sewer Department

AGENDA: Consent

Recommendation: Approve the Agreement with Schreiber LLC, to use a water treatment pilot plant.

Background: On October 3, 2000, the City Council authorized projects for the development of new water supplies for the City. The projects will help develop water supplies to meet the City's water needs through the year 2050.

Analysis: The Integrated Local Water Supply Plan (ILWS) includes utilizing several local water supply sources. A major component of the ILWS is to recharge the Equus Beds Wellfield using water from the Little Arkansas River.

There are several water treatment techniques that will work to clean up the water taken directly from the river. Staff believes that a treatment technology using filters called "Fuzzy Filters" may do an effective job of filtering water for less cost than other alternatives. To determine how effective this technology would be in treating water from the Little Arkansas River, a pilot plant is required. The pilot plant must be used while there is excess flow in the Little Arkansas River, making it necessary to do the pilot work in the spring or fall, when it is most likely that rainfall events will create excess flows.

Staff negotiated an Agreement with Schreiber LLC, owners of the technology, to deliver a trailer mounted pilot plant and to provide technical services to help operate the plant for a price comparable with other pilot studies. It is estimated that the pilot plant will need to be on site for four weeks to obtain appropriate flow conditions in the river.

Financial Considerations: The Agreement submitted by Schreiber, including shipping costs, is for \$8,500. Adequate funds for this project are available in the CIP W-549, Water Supply Plan.

Legal Considerations: The Agreement has been approved by the Law Department.

Recommendations/Actions: Approve the Agreement and authorize the necessary signatures.

### **Agenda Item No.12b**

City of Wichita  
City Council Meeting  
March 1, 2004

Agenda Report No. 05-0155

TO: Mayor and City Council Members

SUBJECT: Supplemental Agreement for 21st Street, Oliver to Woodlawn (District I)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Supplemental Agreement.

Background: On May 4, 2004, the City entered into an Agreement with MKEC Engineering Consultants, Inc. (MKEC) for designing improvements to 21st Street, Oliver to Woodlawn. The fee was \$77,900.

Analysis: MKEC has been asked by the Water Department to design sanitary sewer improvements along 21st Street from Old Manor to Beaumont in conjunction with the street project. The proposed Supplemental Agreement provides for the additional design services.

Financial Considerations: Payment to MKEC will be on a lump sum basis of \$3,500, and will be paid by Water & Sewer Utility Operating Revenues.

Legal Considerations: The Supplemental Agreement has been approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council approve the Supplemental Agreement and authorize the necessary signatures.

## SUPPLEMENTAL AGREEMENT

TO THE

AGREEMENT FOR PROFESSIONAL SERVICES DATED MAY 4, 2004

BETWEEN

THE CITY OF WICHITA, KANSAS

PARTY OF THE FIRST PART, HEREINAFTER CALLED THE

"CITY"

AND

MKEC ENGINEERING CONSULTANTS, INC.

PARTY OF THE SECOND PART, HEREINAFTER CALLED THE

"ENGINEER"

WITNESSETH:

WHEREAS, there now exists a Contract (dated May 4, 2004) between the two parties covering engineering services to be provided by the ENGINEER in conjunction with the construction of improvements to the 21ST STREET, OLIVER TO WOODLAWN.

WHEREAS, Paragraph IV. B. of the above referenced Contract provides that additional work be performed and additional compensation be paid on the basis of a Supplemental Agreement duly entered into by the parties, and



WHEREAS, it is the desire of both parties that the ENGINEER provide additional services required for the PROJECT and receive additional compensation (as revised herein):

NOW THEREFORE, the parties hereto mutually agree as follows:

A. PROJECT DESCRIPTION

The description of the improvements that the CITY intends to construct and thereafter called the "PROJECT" as stated on page 1 of the above referenced agreement is hereby amended to include the following:

Sanitary Sewer Improvements along 21st Street from Old Manor to Beaumont.  
(Project No. 468 83688, OCA No. 620423)

B. PAYMENT PROVISIONS

The fee in Section IV. A. shall be amended to include the following:

Payment to the ENGINEER for the performance of the professional services as outlined in this supplemental agreement will increase the total contract by \$3,500.00.

C. COMPLETION

The ENGINEER agrees to complete and deliver the field notes, preliminary and final plans (including final tracings), specifications and estimates to the CITY by \_\_\_\_\_;

EXCEPT that the ENGINEER shall not be responsible or held liable for delays occasioned by the actions of inactions of the CITY or other agencies, or for other unavoidable delays beyond the control of the ENGINEER.

D. PROVISIONS OF THE ORIGINAL CONTRACT

The parties hereunto mutually agree that all provisions and requirements of the existing Contract, not specifically modified by this Supplemental Agreement, shall remain in force and effect.

IN WITNESS WHEREOF, the CITY and the ENGINEER have executed this Supplemental Agreement as of this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

BY ACTION OF THE CITY COUNCIL

\_\_\_\_\_  
Carlos Mayans, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Gary Rebenstorf, Director of Law

MKEC ENGINEERING CONSULTANTS, INC.

\_\_\_\_\_  
(Name and Title)

ATTEST:

\_\_\_\_\_

**Agenda Item No. 12c**

City of Wichita  
City Council Meeting  
March 1, 2005

Agenda Report No. 05-0156

TO: Mayor and City Council

SUBJECT: In-Patient and Out-Patient Drug Treatment for Drug Court

INITIATED BY: Law Department

AGENDA: Consent

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Recommendation: Approve the contract.

Background: The Wichita Municipal Drug Court Program, created in 1995, was one of the first 100 established nationwide and was the first established in Kansas. The Drug Court is a deferred judgment program that provides a non-traditional, therapeutic approach to dealing with criminal offenders who are substance abusers. The judge, prosecutor, probation officer and treatment provider work as a team using a non-adversarial approach to encourage and promote substance free behavior. The Wichita Drug Court Program is a minimum of one year. The components of the program include intensive treatment, regular court appearances, random drug testing, education and counseling. The primary mission of the Drug Court is to rehabilitate the participant through intensive drug and alcohol treatment with accountability and responsibility being key components of the overall program. Upon successful completion of all requirements of the Drug Court Program, the defendant's charges are dismissed allowing the defendant the opportunity to avoid a criminal drug conviction.

Analysis: A Request for Proposal (RFP) was developed seeking qualified, licensed contractors to provide in-patient and out-patient treatment services to Municipal Court at the most economical cost to the defendant. There were forty-seven (47) requests for proposals mailed, eight (8) companies notified by E-Procurement and an advertisement published in the Wichita Eagle. Comprehensive Community Care of Sedgwick County (ComCare) was the only respondent to the request for proposal. The proposal submitted by ComCare was reviewed and evaluated by the Law Department, the Administrative Judge, Court Administrator and the Probation Office. The Comprehensive Community Care of Sedgwick County (ComCare) proposal met the requirements of the RFP. ComCare has provided in-patient / out-patient treatment services to the Court for the past six years and has been an integral component in the success of the Drug Court Program. Their service to the Court has been of the highest professional standard.

Financial Considerations: During the last six years in which ComCare has been the treatment provider, there have been no significant contract increases during this time. However, due to increasing costs associated with the program, the current ComCare proposal does including a modest fee increase. Program costs are passed directly to defendants, the City is only responsible for those treatment costs which defendants are not able to fund. Based on past City expenditure patterns, the amount included in the 2005 Adopted budget will be sufficient to absorb any increase in City costs associated with this contract.

Legal considerations: The contract will be approved as to form by the Law Department.

Recommendations/Actions: Approve the contract with Comprehensive Community Care of Sedgwick County (ComCare) and authorize the necessary signatures.

## **Agenda Item No. 12d**

City of Wichita

City Council Meeting  
March 1, 2005

Agenda Report No. 05-0157

TO: Mayor and City Council Members

SUBJECT: Supplemental Agreement for Construction Engineering in Fox Ridge  
Addition (north of 29th Street, between Maize and Tyler) (District V)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Supplemental Agreement.

Background: The City Council approved the drainage improvements in Fox Ridge Addition on June 10, 2004. On January 25, 2005 the City approved Agreements with MKEC Engineering Consultants, Inc. (MKEC) to design the improvements. The Design Agreements with MKEC requires MKEC to provide construction engineering and staking services if requested by the City.

Analysis: The proposed Supplemental Agreements between the City and MKEC provides for construction engineering for the improvements. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Financial Considerations: Payment to MKEC will be on a lump sum basis of \$21,000, and will be paid by special assessments.

Legal Considerations: The Supplemental Agreements has been approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council approve the Supplemental Agreements and authorize the necessary signatures.

SUPPLEMENTAL AGREEMENT

TO THE

AGREEMENT FOR PROFESSIONAL SERVICES DATED JANUARY 25, 2005

BETWEEN

THE CITY OF WICHITA, KANSAS

PARTY OF THE FIRST PART, HEREINAFTER CALLED THE

"CITY"

AND

MKEC ENGINEERING CONSULTANTS, INC.

PARTY OF THE SECOND PART, HEREINAFTER CALLED THE

"ENGINEER"

WITNESSETH:

WHEREAS, there now exists a Contract (dated January 25, 2005) between the two parties covering engineering services to be provided by the ENGINEER in conjunction with the construction of improvements in FOX RIDGE ADDITION (north of 29th Street North, between Maize and Tyler).

WHEREAS, Paragraph IV. B. of the above referenced Contract provides that additional work be performed and additional compensation be paid on the basis of a Supplemental Agreement duly entered into by the parties, and

WHEREAS, it is the desire of both parties that the ENGINEER provide additional services required for the PROJECT and receive additional compensation (as revised herein):

NOW THEREFORE, the parties hereto mutually agree as follows:

A. PROJECT DESCRIPTION

The description of the improvements that the CITY intends to construct and thereafter called the "PROJECT" as stated on page 1 of the above referenced agreement is hereby amended to include the following:

CONSTRUCTION ENGINEERING

(as per the City of Wichita Standard Construction Engineering Practices)

STORM WATER DRAIN NO. 245 serving Lots 119 through 190, Block 1; Lots 5 through 8, Block 3; Lots 49 through 69, Block 4, Fox Ridge Addition (north of 29th Street North, between Maize and Tyler) (Project No. 468 83929).

B. PAYMENT PROVISIONS

The lump sum fee and the accumulated partial payment limits in Section IV. A. shall be amended as follows:

Payment to the ENGINEER for the performance of the professional services as outlined in this supplemental agreement shall be made on the basis of the lump sum fee specified below:

468 83929                      \$21,000.00

C.        PROVISIONS OF THE ORIGINAL CONTRACT

The parties hereunto mutually agree that all provisions and requirements of the existing Contract, not specifically modified by this Supplemental Agreement, shall remain in force and effect.

IN WITNESS WHEREOF, the CITY and the ENGINEER have executed this Supplemental Agreement as of this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

BY ACTION OF THE CITY COUNCIL

\_\_\_\_\_  
Carlos Mayans, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Gary Rebenstorf, Director of Law

MKEC ENGINEERING CONSULTANTS, INC.

\_\_\_\_\_  
(Name & Title)

ATTEST:

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**Agenda Item No. 13**

City of Wichita  
City Council Meeting  
March 1, 2005

Agenda Report No. 05-0158

TO: Mayor and City Council Members

SUBJECT: Agreement for Design Services for Angel Fire Addition (north of 47th Street South, east of West Street) (District IV)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Agreement.

Background: The City Council approved the water distribution system, sanitary sewer and paving improvements in Angel Fire Addition on January 4, 2005.

Analysis: The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond-financed improvements consisting of water distribution system, sanitary sewer and paving in Angel Fire Addition. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Financial Considerations: Payment to Baughman will be on a lump sum basis of \$19,100, and will be paid by special assessments.

Legal Considerations: The Agreement has been approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council approve the Agreement and authorize the necessary signatures.

AGREEMENT

for

PROFESSIONAL SERVICES

between

THE CITY OF WICHITA, KANSAS

and

BAUGHMAN COMPANY, P.A.

for

ANGEL FIRE ADDITION

THIS AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2005, by and between the CITY OF WICHITA, KANSAS, party of the first part, hereinafter called the "CITY" and BAUGHMAN COMPANY, P.A., party of the second part, hereinafter called the "ENGINEER".

WITNESSETH: That

WHEREAS, the CITY intends to construct;

WATER DISTRIBUTION SYSTEM NO. 448 90024 serving Lots 1 through 10, Block B; Lots 19 through 27, Block C, Angel Fire Addition (north of 47th Street South, east of West Street) (Project No. 448 90024).



LATERAL 505, SOUTHWEST INTERCEPTOR SEWER serving Lots 7 through 10, Block B; Lots 23 through 27, Block C, Angel Fire Addition (north of 47th Street South, east of West Street) (Project No. 472 83932).

45TH STREET SOUTH from the east line of Lot 11, Block B, east to the east line of Leonine, and on LEONINE from the north line of 45th Street South, south to the north line of Lot 18, Block C. 45TH STREET SOUTH COURT from the south line of 45th Street South, south to and including the cul-de-sac. That sidewalk be constructed on one side of 45th Street South and Leonine (north of 47th Street South, east of West Street) (Project No. 472 84126).

NOW, THEREFORE, the parties hereto do mutually agree as follows:

I. SCOPE OF SERVICES

The ENGINEER shall furnish professional services as required for designing improvements in Angel Fire Addition and to perform the PROJECT tasks outlined in Exhibit A.

II. IN ADDITION, THE ENGINEER AGREES

A. To provide the various technical and professional services, equipment, material and transportation to perform the tasks as outlined in the SCOPE OF SERVICES (Exhibit A).

B. To attend meetings with the City and other local, state and federal agencies as necessitated by the SCOPE OF SERVICES.

C. To make available during regular office hours, all calculations, sketches and drawings such as the CITY may wish to examine periodically during performance of this agreement.

D. To save and hold CITY harmless against all suits, claims, damages and losses for injuries to persons or property arising from or caused by errors, omissions or negligent acts of ENGINEER, its agents, servants, employees, or subcontractors occurring in the performance of its services under this contract.

E. To maintain books, documents, papers, accounting records and other evidence pertaining to costs incurred by ENGINEER and, where relevant to method of payment, to make such material available to the CITY.

F. To comply with all Federal, State and local laws, ordinances and regulations applicable to the work, including Title VI of the Civil Rights Act of 1964, and to comply with the CITY'S Affirmative Action Program as set forth in Exhibit "B" which is attached hereto and adopted by reference as though fully set forth herein.

G. To accept compensation for the work herein described in such amounts and at such periods as provided in Article IV and that such compensation shall be satisfactory and sufficient payment for all work performed, equipment or materials used and services rendered in connection with such work.

H. To complete the services to be performed by ENGINEER within the time allotted for the PROJECT in accordance with Exhibit A; EXCEPT that the ENGINEER shall not be responsible or held liable for delays occasioned by the actions or inactions of the

CITY or other agencies, or for other unavoidable delays beyond control of the ENGINEER.

I. Covenants and represents to be responsible for the professional and technical accuracies and the coordination of all designs, drawings, specifications, plans and/or other work or material furnished by the ENGINEER under this agreement. ENGINEER further agrees, covenants and represents, that all designs, drawings, specifications, plans, and other work or material furnished by ENGINEER, its agents, employees and subcontractors, under this agreement, including any additions, alterations or amendments thereof, shall be free from negligent errors or omissions.

J. ENGINEER shall procure and maintain such insurance as will protect the ENGINEER from damages resulting from the negligent acts of the ENGINEER, its agents, officers, employees and subcontractors in the performance of the professional services rendered under this agreement. Such policy of insurance shall be in an amount not less than \$500,000.00 subject to a deductible of \$5,000.00. In addition, a Workman's Compensation and Employer's Liability Policy shall be procured and maintained. This policy shall include an "all state" endorsement. Said insurance policy shall also cover claims for injury, disease or death of employees arising out of and in the course of their employment, which, for any reason, may not fall within the provisions of the Workman's Compensation Law. The liability limit shall be not less than:

Workman's Compensation – Statutory  
Employer's Liability - \$500,000 each occurrence.

Further, a comprehensive general liability policy shall be procured and maintained by the ENGINEER that shall be written in a comprehensive form and shall protect ENGINEER against all claims arising from injuries to persons (other than ENGINEER'S employees) or damage to property of the CITY or others arising out of any negligent act or omission of ENGINEER, its agents, officers, employees or subcontractors in the performance of the professional services under this agreement. The liability limit shall not be less than \$500,000.00 per occurrence for bodily injury, death and property damage. Satisfactory Certificates of Insurance shall be filed with the CITY prior to the time ENGINEER starts any work under this agreement. In addition, insurance policies applicable hereto shall contain a provision that provides that the CITY shall be given thirty (30) days written notice by the insurance company before such policy is substantially changed or canceled.

K. To designate a Project Manager for the coordination of the work that this agreement requires to be performed. The ENGINEER agrees to advise the CITY, in writing, of the person(s) designated as Project Manager not later than five (5) days following issuance of the notice to proceed on the work required by this agreement. The ENGINEER shall also advise the CITY of any changes in the person designated Project Manager. Written notification shall be provided to the CITY for any changes exceeding one week in length of time.

### III. THE CITY AGREES:

A. To furnish all available data pertaining to the PROJECT now in the CITY'S files at no cost to the ENGINEER. Confidential materials so furnished will be kept confidential by the ENGINEER.

- B. To provide standards as required for the PROJECT; however, reproduction costs are the responsibility of the ENGINEER, except as specified in Exhibit A.
- C. To pay the ENGINEER for his services in accordance with the requirements of this agreement.
- D. To provide the right-of-entry for ENGINEER'S personnel in performing field surveys and inspections.
- E. To designate a Project Manager for the coordination of the work that this agreement requires to be performed. The CITY agrees to advise, the ENGINEER, in writing, of the person(s) designated as Project Manager with the issuance of the notice to proceed on the work required by this agreement. The CITY shall also advise the ENGINEER of any changes in the person(s) designated Project Manager. Written notification shall be provided to the ENGINEER for any changes exceeding one week in length of time.
- F. To examine all studies, reports, sketches, drawings, specifications, proposals and other documents presented by ENGINEER in a timely fashion.

#### IV. PAYMENT PROVISIONS

A. Payment to the ENGINEER for the performance of the professional services required by this agreement shall be made on the basis of the lump sum fee amount specified below:

Project No. 448 90024	\$ 3,600.00
Project No. 468 83932	\$ 4,300.00
Project No. 472 84126	\$11,200.00
TOTAL	\$19,100.00

- B. When requested by the CITY, the ENGINEER will enter into a Supplemental Agreement for additional services related to the PROJECT such as, but not limited to:
1. Consultant or witness for the CITY in any litigation, administrative hearing, or other legal proceedings related to the PROJECT.
  2. Additional design services not covered by the scope of this agreement.
  3. Construction staking, material testing, inspection and administration related to the PROJECT.
  4. A major change in the scope of services for the PROJECT.

If additional work should be necessary, the ENGINEER will be given written notice by the CITY along with a request for an estimate of the increase necessary in the not-to-exceed fee for performance of such additions. No additional work shall be performed nor shall additional compensation be paid except on the basis of a Supplemental Agreement duly entered into by the parties.

#### V. THE PARTIES HERETO MUTUALLY AGREE:

A. That the right is reserved to the CITY to terminate this agreement at any time, upon written notice, in the event the PROJECT is to be abandoned or indefinitely postponed, or because of the ENGINEER'S inability to proceed with the work, or because the services of the ENGINEER are unsatisfactory; PROVIDED, however, that in any case the ENGINEER shall be paid the reasonable value of the services rendered up to the time of termination on the basis of the provisions of this agreement, but in no case

shall payment be more than the ENGINEER'S actual costs plus a fee for profit based upon a fixed percentage of the ENGINEER'S actual costs.

B. That the field notes and other pertinent drawings and documents pertaining to the PROJECT shall become the property of the CITY upon completion or termination of the ENGINEER'S services in accordance with this agreement; and there shall be no restriction or limitation on their further use by the CITY. Provided, however, that CITY shall hold ENGINEER harmless from any and all claims, damages or causes of action which arise out of such further use when such further use is not in connection with the PROJECT.

C. That the services to be performed by the ENGINEER under the terms of this agreement are personal and cannot be assigned sublet or transferred without specific consent of the CITY.

D. In the event of unavoidable delays in the progress of the work contemplated by this agreement, reasonable extensions in the time allotted for the work will be granted by the CITY, provided, however, that the ENGINEER shall request extensions, in writing, giving the reasons therefore.

E. It is further agreed that this agreement and all contracts entered into under the provisions of this agreement shall be binding upon the parties hereto and their successors and assigns.

F. Neither the CITY'S review, approval or acceptance of, nor payment for, any of the work or services required to be performed by the ENGINEER under this agreement shall be construed to operate as a waiver of any right under this agreement or any cause of action arising out of the performance of this agreement.

G. The rights and remedies of the CITY provided for under this agreement are in addition to any other rights and remedies provided by law.

H. It is specifically agreed between the parties executing this contract, that it is not intended by any of the provisions of any part of this contract to create the public or any member thereof a third party beneficiary hereunder, or to authorize anyone not a party to this contract to maintain a suit for damages pursuant to the terms or provisions of this contract.

IN WITNESS WHEREOF, the CITY and the ENGINEER have executed this agreement as of the date first written above.

BY ACTION OF THE CITY

COUNCIL

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Carlos Mayans, Mayor

SEAL:

ATTEST:

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Karen Sublett, City Clerk

APPROVED AS TO FORM:

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Gary Rebenstorf, Director of Law

BAUGHMAN COMPANY, P.A.

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(Name & Title)

ATTEST:

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“EXHIBT “A

#### SCOPE OF SERVICES

The ENGINEER shall furnish engineering services as required for the development of plans, supplemental specifications and estimates of the quantities of work for the PROJECT in the format and detail required by the City Engineer for the City of Wichita. Engineering plans shall be prepared in ink on standard 22” x 36” mylar sheets.

In connection with the services to be provided, the ENGINEER shall:

##### A. PHASE I - PLAN DEVELOPMENT

When authorized by the CITY, proceed with development of Plans for the PROJECT based on the preliminary design concepts approved by the CITY.

1. Field Surveys. Provide engineering and technical personnel and equipment to obtain survey data as required for the engineering design. Utility companies shall be requested to flag or otherwise locate their facilities within the PROJECT limits prior to the ENGINEER conducting the field survey for the PROJECT. Utility information shall be clearly noted and identified on the plans.
2. Soils and Foundation Investigations. The CITY’S Engineering Division of the Department of Public Works shall provide subsurface borings and soils investigations for the PROJECT. However, the CITY may authorize the ENGINEER to direct an approved

Testing Laboratory to perform subsurface borings and soils investigations for the PROJECT, which shall be reported in the format and detail required by the City Engineer for the City of Wichita. The Testing Laboratory shall be responsible for the accuracy and competence of their work. The ENGINEER'S contract with the Testing Laboratory shall provide that the Testing Laboratory is responsible to the City for the accuracy and competence of their work. The cost of soils and boring investigations shall be passed directly to the City of Wichita.

3. Review Preliminary Design Concepts. Submit preliminary design concepts for review with the City Engineer or his designated representative prior to progressing to detail aspects of the work unless waived by the City Engineer.

4. Prepare engineering plans, plan quantities and supplemental specifications as required. Engineering plans will include incidental drainage where required and permanent traffic signing. The PROJECT's plans and proposed special provisions shall address the requirements included in the City's Administrative Regulations 78, "Cleanup, Restoration or Replacement Following Construction." Also, final plans, field notes and other pertinent project mapping records are to be provided to the CITY via floppy diskettes (3 1/2"), CD-ROM, or other media acceptable to the City Engineer. The files are to be AutoCAD drawing files or DXF/DXB files. Layering, text fonts, etc. are to be reviewed and approved during the preliminary concept development phase of the design work. Text fonts other than standard AutoCAD files are to be included with drawing files. In addition to supplying the electronic files of the AutoCAD drawing files of the final plans, ENGINEER will also need to supply electronic files of the drawings in PDF format.

5. Prepare right-of-way tract maps and descriptions as required in clearly drawn detail and with sufficient reference to certificate of title descriptions. ENGINEER will perform all necessary survey work associated with marking the additional right-of-way easements. This shall include the monumentation of new corners for any additional right-of-way and a one time marking of the right-of-way for utility relocations.

6. Identify all potential utility conflicts and provide prints of preliminary plans showing the problem locations to each utility. ENGINEER shall meet with utility company representatives to review plans and coordinate resolution of utility conflicts prior to PROJECT letting or, if approved by the City Engineer, identify on plans conflicts to be resolved during construction. Provide to CITY utility status report identifying utility conflicts with dates by which the conflicts will be eliminated with signed utility agreements from each involved utility company. ENGINEER shall meet with involved utility company/ies and project contractor to resolve any conflicts with utilities that occur during construction that were not identified and coordinated during design.

7. Deliver the original tracings of the Final approved plans to the CITY for their use in printing plans for prospective bidders.

8. All applicable coordinate control points and related project staking information shall be furnished on a 3-1/2" diskette in a format agreed upon by the CITY. When applicable, this coordinate information will be used by the CITY for construction staking purposes.

9. Complete and deliver field notes, plan tracings, specifications and estimates to the CITY within the time allotted for the PROJECTS as stipulated below.

a. Plan Development for the water improvements by March 28, 2005.

(Project No. 448 90024).

b. Plan Development for the sewer improvements by March 28, 2005.  
(Project No. 468 83932).

c. Plan Development for the paving improvements by April 17, 2005.  
(Project No. 472 84126).

### **Agenda Item No. 14**

City of Wichita  
City Council Meeting  
March 1, 2005

Agenda Report No. 05-0159

TO: Mayor and City Council Members

SUBJECT: Change Order: Rock Road Improvement, between 21st and 29th (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Change Order.

Background: On May 18, 2004, the City Council approved a construction contract with Cornejo & Sons, Inc. to improve Rock Road between 21st and 29th Streets. During the widening of Rock Road, it became necessary to replace sidewalk and have utilities relocated in one area of the right-of-way that had not been planned for reconstruction. This area originally had Fescue grass, and in accordance with current City policy, it will be replaced in kind.

Analysis: A Change Order has been prepared for the additional work. Funding is available within the project budget.

Financial Considerations: The cost of the additional work is \$37,674, with the total paid by a combination of City-at-Large (\$7,535) and Federal Grants administered by the Kansas Department of Transportation (\$30,139). The original contract is \$1,455,771. This Change Order plus previous Change Orders represent 11.6% of the original contract amount.

Legal Considerations: The Law Department has approved the Change Order as to legal form. The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Recommendation/Action: It is recommended that the City Council approve the Change Order and authorize the necessary signatures.

November 2, 2004  
PUBLIC WORKS-ENGINEERING CHANGE ORDER  
To: Cornejo & Sons, Inc. Project: Rock Rd. from 21st N. to 29th N.  
Change Order No.: 4 Project No.: 87N-0197-01 / 472-83889  
Purchase Order No.: 400706 OCA No.: 706874  
CHARGE TO OCA No.: 706874 PPN: 204340  
Please perform the following extra work at a cost not to exceed \$71,967.92  
Over-Run:  
19 - Retaining Wall 7.47 m @ \$151.00 / m = \$1,127.97  
Add:  
Fescue Sod 9,000 sm @ \$2.9265 / sm = \$26,338.50  
4" Conc. median surfacing (Northpark Apts.) 1 LS @ \$153.00 =  
\$153.00  
Irrigation repairs for new sidewalk 1 LS @ \$23,897.50 = \$23,897.50  
4" Irrigation sleeve in median at 11+480 1 LS @ \$1,380.00 = \$1,380.00  
Top Soil for Medians 455 CM @ \$32.00 = \$14,560.00  
Thermal Crack Repair 106.14 sm @ \$42.50 = \$4,510.95  
21 Calendar Days related to utility conflicts (Revised Completion Date of November 30, 2004)  
28 Working Days beyond November 30, 2004 for completion of sidewalk and site restoration work.  
TOTAL \$71,967.92

Recommended By: Approved:

\_\_\_\_\_  
Larry Schaller, P.E. Date  
Construction Engineer

\_\_\_\_\_  
Jim Armour, P.E. Date  
Acting City Engineer

Approved: Approved:



\_\_\_\_\_  
Contractor      Date      Chris Carrier, P.E.      Date  
Acting Director of Public Works

Approved as to Form: By Order of the City Council:

\_\_\_\_\_  
Gary Rebenstorf      Date      Carlos Mayans      Date  
Director of Law      Mayor

Approved:

Attest: \_\_\_\_\_  
City Clerk

\_\_\_\_\_  
KDOT Metro Engineer      Date

### **Agenda Item No.15a**

CITY OF WICHITA  
City Council Meeting  
March 1, 2005

Agenda Report No. 05-0160

TO:                      Mayor and City Council Members

SUBJECT:      Acquisition of 605 South Pinecrest for the Dry Creek Basin Property  
Acquisition Project (District III)

INITIATED BY:      Office of Property Management

AGENDA:              Consent

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Recommendation: Approve the acquisition

Background: There have been several, flooding incidents along the Dry Creek basin in East Wichita. As a result of this, the City Council approved a voluntary property acquisition program. The program calls for the acquisition of up to 16 residential properties that have habitable floors that are below the one hundred year flood elevation. One such property is 605 South Pinecrest, which is owned by John Johnson. The site contains 6,750 square feet and is improved with a 720 square foot wood frame residence.

Analysis: The city had the property appraised in January 2005. The appraised value of \$50,000 was offered to the owner. The owner has agreed to sell the property for this amount. The improvements will be removed and the site maintained as open space.

Financial Considerations: A budget of \$55,750 is requested. This includes \$50,000 for the acquisition, \$5,000 for demolition and \$750 for closing costs and title insurance. The funding source is the Storm Water Utility.

Legal Considerations: The Law Department has approved the contract as to form.

Recommendation/Action: It is recommended that the City Council; 1) Approve the Real Estate Purchase Contract and 2) Authorize all necessary signatures.

### **Agenda Item No. 15b**

CITY OF WICHITA  
City Council Meeting  
March 1, 2005

Agenda Report No. 05-0161

TO: Mayor and City Council Members

SUBJECT: Acquisition of 1945 South Bluff for the Dry Creek Basin Property  
Acquisition Project (District III)

INITIATED BY: Office of Property Management

AGENDA: Consent

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Recommendation: Approve the acquisition

Background: There have been several, flooding incidents along the Dry Creek basin in East Wichita. As a result of this, the City Council approved a voluntary property acquisition program. The program calls for the acquisition of up to 16 residential properties that have habitable floors that are below the one hundred year flood elevation. One such property is 1945 South Bluff, which is owned by Robert and Josephine Leer. The site contains 6,003square feet and is improved with a 2,008 square foot wood frame residence.

Analysis: The city had the property appraised in January 2005. The appraised value of \$92,000 was offered to the owner. The owner has agreed to sell the property for this amount. The improvements will be removed and the site maintained as open space.

Financial Considerations: A budget of \$97,750 is requested. This includes \$92,000 for the acquisition, \$5,000 for demolition and \$750 for closing costs and title insurance. The funding source is the Storm Water Utility.

Legal Considerations: The Law Department has approved the contract as to form.

Recommendation/Action: It is recommended that the City Council; 1) Approve the Real Estate Purchase Contract and 2) Authorize all necessary signatures.

### **Agenda Item No. 16**

City of Wichita  
City Council Meeting  
March 1, 2005

Agenda Report No. 05-0162

TO: Mayor and City Council

SUBJECT: Sanitary Sewer Master Plan Update for 2005

INITIATED BY: Water & Sewer Department

AGENDA: Consent

Recommendation: Approve the expenditure for the 2005 Sanitary Sewer Master Plan Update.

Background: In 1992, the City Council approved a Sanitary Sewer Master Plan and the projects associated with it. The 1992 plan was the first such undertaking since 1971. In the 1992 plan, the City's sanitary sewer service area needs were assessed through the year 2010. After adopting the plan, Staff recommended that the City update it on a routine basis to insure that the recommendations and projects being implemented were still relevant to the City's current needs.

The CIP contained approved funding for a City-wide update of the plan in the year 2000. The 2000 Sanitary Sewer Master Plan Update had a planning period covering 50 years, from 2000 through 2050.

Analysis: The 2005 CIP includes an update to the Sanitary Sewer Master Plan. The update will analyze current and pending EPA requirements, determine growth areas and projected populations, determine sewer basins, review and develop the Sewer Utility

Capital Improvement Program (CIP), and evaluate economic and non-economic conditions for proposed alternatives for recommended projects.

Financial Considerations: The Sanitary Sewer Master Plan Update (CIP S-508 for 2005) includes funding of \$250,000 for this project.

Legal Considerations: The Resolution has been approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the City Council: 1) approve the project expenditure; 2) adopt the Resolution; and 3) authorize the necessary signatures.

### **Agenda Item #17**

City of Wichita  
City Council Meeting  
March 1, 2005

Agenda Report No. 05-0163

TO: Mayor and City Council Members

SUBJECT: Skate Park (District I)

INITIATED BY: Department of Park and Recreation

AGENDA: Consent

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Recommendation: Approve the grant.

Background: On October 19th, 2004, the City Council approved Capital Improvement Program funding in the amount of \$150,000 for the construction of a new skatepark facility located below the Kellogg Flyover between St. Francis and Emporia Streets. At that time, the city was awaiting the confirmation of a \$200,000 Land and Water Conservation Grant from the Department of the Interior through the Kansas Department of Wildlife and Parks (KDWP). The \$200,000 is needed to provide for construction services for the new skatepark.

On January 31, 2005, the City of Wichita received a confirmation letter from KDWP stating that upon receiving a signed contract agreement from the City, the \$200,000 grant funding is now available for this project. The contract letter has been signed by the City and returned to the KDWP office to validate the agreement.

Analysis: The construction documents and specifications are ready for bid and the scheduled time of completion is the Summer 2005. Funding for this project is now fully allocated to begin construction services in Spring 2005.

Financial Considerations: The \$200,000 grant requires a 50/50 match. The 2002 Park CIP included \$50,000 for the design phase and the 2004 Park CIP included \$150,000 for the construction phase.

Legal Considerations: The City will be required to comply with the conditions of the grant agreements.

Recommendation/Action: Approve the grant.

### **Agenda Item # 18**

City of Wichita  
City Council Meeting  
March 1, 2005

Agenda Report No. 04-0164

TO:	Mayor and Members of the City Council
SUBJECT:	HUD Economic Development Initiative Grant Veteran's Park (District VI)
INITIATED BY:	Department of Park and Recreation
AGENDA:	Consent

Recommendation: Approve the grant application.

Background: The John S. Stevens Memorial was dedicated in 1977 and was conveyed to the Board of Park Commissioners by the City of Wichita in 1980. Since that time, the Stevens Memorial has become one of the key memorials in Veterans Park, displaying 14 different flags, which give a brief chronological history and development of the United States. In recent years, the memorial has shown signs of aging and the condition of the flag systems are in great need of replacement with newer technology that will provide greater durability and vandal resistance. The existing walls around the plaza area are also in need of treatment to increase visibility and public safety to the plaza.

In 2003, Operation Ensign, a non-for-profit 501C3 corporation, was formed by Chairperson Phil Blake and others to dedicate its efforts to the restoration of the Stevens

Memorial and other veterans' memorials in the city. Since that time, Park and Recreation staff have been actively developing criteria in partnership with Operation Ensign to resolve the issues in Stevens Memorial. In May 2004, the City developed and constructed a ADA-compliant bus drop-off area along North Greenway Boulevard and a new access walkway for future memorial events to improve site accessibility for larger events. This was considered one of the first important steps to improving the mission for event use in Veterans Park and the Stevens Memorial.

Since the Fall of 2003, Operation Ensign has worked actively with federal officials to lobby for needed funding to rehabilitate Stevens Memorial. On November 23, 2004, Congress announced that the U.S. Department of Housing and Urban Development awarded two Economic Development Initiative Special Project grants for Project Ensign and the City of Wichita. The purpose of these grants is to renovate and restore the Stevens Memorial located within Veterans Park.

Analysis: Two grants were awarded for Veterans Memorial Park. Project Ensign (Operation Ensign) was awarded \$300,000 and the City of Wichita will receive \$250,000. Both grants are for Veterans Memorial Park with funds having a five-year requirement for funding to be spent.

With these funds, the grants will be used to restorate the lanyards and cabinet boxes for the flagpoles. This funding will also be used to make improvements necessary to improve visibility and park safety for the wall work, as well as other restoration efforts that may be required to bring the project to a satisfactory condition.

Financial Considerations: The City of Wichita grant totals \$250,000 and does not require matching funds.

Legal Considerations: The City will be required to comply with the conditions of the grant agreement.

Recommendation/Action: Approve the grant application and authorize the necessary signatures for the grant application and the grant award.

## **Agenda Item #19**

City of Wichita  
City Council Meeting  
March 1, 2005

Agenda Report No. 05-0165

TO: Mayor and City Council

SUBJECT: Redemption of Industrial Revenue Bonds (Park West Plaza, L.L.C.)  
(Districts V)

INITIATED BY: City Manager's Office

AGENDA: Consent

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Recommendation: Approve/ratify the bond call and adopt the Resolution.

Background: On September 19, 1995, the City Council approved the issuance of Assisted Care & Independent Living Facility Refunding Revenue Bonds in the amount of \$4.2 million to Park West Plaza, L.L.C. On September 9, 1997, City Council also approved issuance for Elderly Housing Revenue Bonds, in an amount not to exceed \$3.5 million. Bond proceeds were used to construct and equipment a 60-unit assisted living facility, a 24-unit special care assisted living facility, and 18 independent living units. Park West Plaza is requesting City Council to ratify an early call of the bonds.

Analysis: Section 302 (d) of the 1995 bond issue; Section 302 (d) of the 1997 Series A bond issue and Section 302 (e) of the 1997 Series B bond issue provides that the Issuer may elect to redeem Bonds subject to optional redemption upon receipt of a written request from the Tenant to the Issuer and Trustee. The City received notice from the Tenant of company's intention to redeem all outstanding bonds on April 1, 2005.

Financial Considerations: There is no financial impact to the City resulting from the proposed redemption.

Legal Considerations: The City Attorney's Office has reviewed this agenda item and approved of the recommended action as to the form.

Recommendations/Actions: It is recommended the City Council approve/ratify the notice to the Trustee and the call, adopt the Resolution, and authorize the necessary signatures.

### **Agenda Item #20**

City of Wichita  
City Council Meeting  
March 1, 2005

Agenda Report No. 05-0166

TO: Mayor and Members of the City Council

SUBJECT: 2006 Federal Legislative Priorities

INITIATED BY: City Manager

AGENDA: Consent

Recommendation: Approve priorities.

Background: The City Council reviewed departmental requests for 2006 federal legislative assistance, at its January 25, 2005 workshop. Departments submitted a total of twenty-two requests. The City Council was requested to rank the departmental requests in priority order so that the City Council can present the top priorities to the Congressional Delegation.

Analysis: At the January 25, 2005 workshop the City Council discussed issues to be presented to the federal delegation. It was the consensus of the Council to have each council member rank the suggested issues and add other issues if desired. Staff tabulated the ranking sheets and identified the top six federal legislative priorities. The Mayor has also identified three issues of priority in addition to the six.

Staff will prepare a 2006 Federal Legislative Requests notebook with the priority issues identified by the City Council as well as other issues of importance to the City. These issues will be presented as priorities during the meeting with the Kansas Congressional Delegation in Washington D.C during the week of March 11-15.

Financial Consideration: Some federal requests require local matching funds. Historically, the City has identified a variety of sources to provide local matching funds and will continue to do so for City Council priorities.

Legal Considerations: Should federal funding be secured contracts and/or memorandums of understanding will be initiated as appropriate.

Recommendation/Action: It is recommended the City Council approve the 2006 Federal Legislative priorities

**2006 Federal Legislative Requests**  
**PRIORITY PROJECTS**

Mayor's Priority # 1	21st Street Redevelopment
Mayor's Priority # 2	K.U. Medical School
Mayor's Priority # 3	Heartspring Com. Service Campus Redevelopment
Council Priority # 1	EDA Grant for Downtown Waterfront Project



Council Priority # 2	Stormwater Drainage Master Study
Council Priority # 3	U.S. 54 (Kellogg) from I-135 to K-96
Council Priority # 4	I-235/U.S 54 (Kellogg) & I-235/Central Avenue
Council Priority # 5	Stop Blight (Housing & Community Services Dept)
Council Priority # 6	Calfskin Creek/Dry Creek Flood Mitigation (Public Works Department)

## **Agenda Item No. 22**

City of Wichita  
City Council Meeting  
March 1, 2005

Agenda Report No. 05-0167

TO: Mayor and City Council

SUBJECT: Repair or Removal of Unsafe Structures  
1615 West Maple - District IV

INITIATED BY: Office of Central Inspection

AGENDA: Unfinished Business

Recommendation: Take appropriate action.

Background: This property was before the Board of Code Standards and Appeals (BCSA) on November 8, 2004. No repairs had been made to the property, and the BCSA recommended 10 days to start demolition and an additional 10 days to complete.

The case was before Council for a hearing on February 1, 2005. No one appeared to represent the property and Council adopted a resolution to proceed with demolition.

Analysis: On February 4, 2005, staff was contacted by an attorney for the current owner of the property, who requested that this case be brought back to the City Council for review. The current owner, Mr. Rick Rice, sold this property on a contract for deed in July 2002, and has now filed a foreclosure action against the contract buyer in order to re-

obtain possession of the property. Mr. Rice's intent is to pay all taxes, assessments and liens, and to repair the property to minimum code standards as soon as the foreclosure action is completed.

The property is secure. There are some tree limbs and bulky waste on rear of the premises, primarily from the recent ice storm.

Taxes: The 2002, 2003 and 2004 taxes are delinquent in the amount of \$1,904.47. There are special assessments for lot cleanup and emergency board up in the amount of \$901.50.

Legal Considerations: The owner has been notified of the date and time of this hearing.

Recommendations/Actions: It is recommended that Council allow the owner 10 days to pay all delinquent taxes and special assessments, and if done, additional time up to 60 days to complete the exterior repairs to the structure (depending on the action plan and testimony presented by the property owner during the rehearing).

If any of the above conditions are not met, the Office of Central Inspection will proceed with demolition action and also instruct the City Clerk to have the resolutions published once in the official city paper and advise the owners of these findings.

### **Agenda Item #23**

City of Wichita  
City Council Meeting  
March 1, 2005

Agenda Report No. 05-0168

TO: Mayor and City Council Members

SUBJECT: Appeal from an order of the Chief of Police to deny a private merchant police agency license to Event Services Management, Inc., pursuant to 3.72.290(8) of the City Code

INITIATED BY: Wichita Police Department

AGENDA: New Business

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Recommendations: Conduct a hearing on the appeal.

Background: Section 3.72.290(8) of the City Code provides that the Chief of Police may deny a private merchant police license to an applicant after a hearing unless the applicant can make a showing that the applicant, or if an agency, that each of its officers, directors, partners or associates has not committed certain acts that are set forth in the code. On January 7, 2005, such a hearing was held regarding the license application of Event Services Management, Inc., which was attended by the applicants, their attorney, and members of the Wichita Police Department and City Law Department. During this hearing, Chief Williams heard statements from the applicants, Jeffery Roman Martin and John Roberts, their attorney, John Stang, and several Wichita police officers.

As a result of that hearing, on January 27, 2005, the Chief sent a letter to Mr. Stang denying the application of Event Services Management, Inc. for a Private Merchant Police license. The letter outlined the Chief's findings and stated as follows:

After reviewing the notes from the January 7, 2005 hearing and associated documents from department members, it was clear to me that the co-owners of Event Management, Inc. violated the City of Wichita Private Merchant Police, Watchmen and Security Officer Ordinance, Chapter 3.72; specifically, the following Sections:

- 3.72.070: engaging in activities within the purview of Chapter 3.72 without having the required identification card in possession.
- 3.72.130: hiring persons to work as private security officers who are not licensed to do so.
- 3.72.200: wearing a distinctive uniform without having first obtained a private security officer or agency permit.
- 3.72.280: engaging in private security business without a license.
- 3.72.370: impersonating a private security officer.

Chief Williams then informed Mr. Stang that should Event Services Management, Inc. want to apply for a Private Merchant Police license after one year has passed, and the applicants have obeyed all laws in the meantime and otherwise qualify for licensing, then their application would not be denied at that time.

Analysis: Because the applicants were unable to make a showing that they had not committed acts for which a license is required by the Chapter 3.72 of the City Code, Chief Williams denied the license of their agency, Event Services Management, Inc., pursuant to 3.72.290 (8)(g). The letter of denial sent to Mr. Stang on behalf of his clients triggered the right to appeal the license denial to the City Council, as provided in Section 3.04.065 of the City Code.

Financial Consideration: None

Legal Consideration: If the City Council upholds the decision of the Chief, the applicants have the further option of appealing that decision to the district court, pursuant to state statute.

Recommendation/Actions: Conduct a hearing on the applicant's appeal and issue an order either upholding or overturning the same.

## **Agenda Item # 24**

City of Wichita  
City Council Meeting  
March 1, 2005

Agenda Report No. 05-0169

TO: Mayor and City Council Members

SUBJECT: Appeal from an order of the Chief of Police to reclassify Local  
Liquor License of Club XS at 2313 S. Seneca.

INITIATED BY: Wichita Police Department

AGENDA: New Business

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Recommendation: Conduct a hearing on the appeal.

Background: City ordinance defines a drinking establishment/restaurant (DER) as a business that is open to the general public, sells liquor by the individual drink and meets one of the following requirements: The business shall derive not less than 50% of its gross revenues from sales of food and beverages for consumption on such premises in a six-month period; or such business shall derive not less than 30% of its gross revenues from sales of food and beverages for consumption on such premises in a six-month period and shall have not less than 70% of the public assembly area of the licensed premises devoted to designated seating for the service of food for consumption on the licensed premises. (See Section 4.04.010(t) of the City Code.) Minors under the age of 21 years are allowed on the premises of a DE/R but cannot consume alcohol. Any establishment not meeting the above food sales and seating space criteria is classified and licensed as a drinking establishment (DE), and minors under the age of 21 years are prohibited from entering or remaining on the premises.

The City Code also provides that a business licensed as a DE/R maybe reclassified as a DE in the event that the business fails to meet food sales or seating space criteria. Section 4.16.095 (c) of the City Code authorizes the Chief of Police to reclassify any DE/R as a DE if the establishment “fails to provide information showing either the required amount of gross revenues form sales of food or the percentage of floor space devoted to the designated seating according to the floor plan, and the service of food for consumption on the licensed premise”. Subsection 4.16.095 (d) of the City Code provides that an order of reclassification issued by the Chief of Police may be appealed to the City Council within seven days from the date of the order. An appeal from the Chief’s order to the City Council stays the order of reclassification until the matter is resolved by the Council.

Analysis: Club XS, located at 2313 S. Seneca, has been licensed as a DE/R since April 15, 2004. On 1/07/2005 Wichita Police Department Detectives hand delivered a letter to the owner/manager of Club XS requesting information showing that the establishment was in compliance with Section 4.04.010 (t) regarding percentage of food sales. A list requesting specific information necessary for the audit of Club XS revenues was attached. However, none of the information requested was provided.

On February 3, 2005, Chief Williams sent a letter to Mr. Brian Michaels, the licensee for Club XS, informing him that the establishment was being reclassified to a DE, due to failure to comply with City ordinance 4.04.010 (t).

Financial Consideration: None

Legal Consideration: If the City Council upholds the decision of the Chief, the licensee has the further option of appealing to the district court, pursuant to state statute. Such an appeal would not stay the order of reclassification.

Recommendation/Action: Conduct a hearing of the licensee’s appeal and issued an order either upholding or overturning the same.

## **Agenda Item # 25**

City of Wichita  
City Council Meeting  
March 1, 2005

Agenda Report 05-0170

TO: Mayor and City Council

SUBJECT: Tax Exemption Request (Wichita Coffee Roasterie, Inc.)(District IV)

INITIATED BY: City Manager’s Office

AGENDA: New Business

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RECOMMENDATION: Approve second reading of the Ordinance as modified and approve the proposed payment-in-lieu agreement.

BACKGROUND: On February 15, 2005, City Council approved a tax exemption for Wichita Coffee Roasterie, Inc., that included construction of building improvements and purchase of new manufacturing equipment. Under previous notification from Kansas Board of Tax Appeals (“BOTA”), the Board requires that exempt periods provided for leased and non-leased property be the same.

ANALYSIS: As a requirement by BOTA, without changing the tax effect intended by the initial Council action (i.e. to have a lesser period of exemption for some of the personal property than for the real property) the company has agreed to make “payment-in-lieu-of-taxes” on the second five years of abatement for the personal property covered under the original Ordinance, equal to the amount of ad valorem taxes during the second five-year exemption period that would have been paid had such property not been exempted from taxes for such period, determined according to the personal property retail cost new, less depreciation and minus any disposal of such exempted property during that five-year time period.

Financial Considerations: There will be no financial impact to the City regarding BOTA’s request.

Legal Considerations: The company’s agreement to make payments-in-lieu-of-taxes to offset the additional abatement should keep the original intent intact. The City’s Law Department has approved the amended Ordinance and the Payment-In-Lieu-of-Tax agreement as to form.

Recommendations/Actions: Approve second reading of the amended Ordinance, and approve the proposed payment-in-lieu-of-tax agreement.

**Agenda Item #26**

City of Wichita  
City Council Meeting  
March 1, 2005

Agenda Report No. 05-0171

TO: Mayor and City Council

SUBJECT: Aviation Training Center Project

INITIATED BY: City Manager's Office

AGENDA: New Business

Recommendations: Adopt the resolution.

Background: Since 2001, the City of Wichita has participated in the Kansas Technical Training Initiative (KTTI), along with Sedgwick County, the State of Kansas, U.S.D. 259, Boeing Wichita, Bombardier Aerospace, Cessna Aircraft and Raytheon Aircraft. The mission of KTTI has been to address the critical need for highly skilled technicians in various industrial and service clusters, with initial emphasis on the aviation cluster. A key objective of this endeavor has been the development of a world-class aviation training facility. Working with the Wichita Airport Authority, KTTI has identified a preferred site for the facility on the northwest side of the Col. James Jabara Airport on Webb Road, near 39th street North. KTTI has asked the City of Wichita to play a leading role in the development of the new aviation training facility and to authorize the initial phase of design.

Analysis: The ability to supply the aviation industry with sufficient numbers of well qualified technicians has been a challenge for many years. With the aging of the existing workforce and the changes occurring in the aircraft-manufacturing sector, it is predicted that this problem will quickly become acute. A high percentage of the overall workforce in the Wichita region work in the manufacturing sector, and most of those workers are employed by aviation-related businesses. In addition to diversifying the economy, community economic development efforts need to focus on strengthening the high-wage aviation-manufacturing sector. Without an adequate supply of skilled workers, companies looking to relocate will pass by the Wichita area, and growing local companies will look to relocate to other areas.

Visioneering Wichita also focused on the critical needs in the area of technical training and noted that a high percentage of the aviation workforce will reach retirement age within the near future and that the natural replacement processes through existing institutions will not come close to meeting the needs. One of the keys to keeping our young people from leaving, and attracting new young workers to the area, is to provide attractive educational and vocational training opportunities. Visioneering Wichita's strategic plan calls for the development of a world-class system and facilities for adult basic education, technical education programs and customized training.

To address the technical education needs in the greater Wichita region, four area technical education colleges have formed a consortium. The Kansas Institute for Technical Excellence (KITE) is comprised of the Wichita Area Technical College, Butler County Community College, Cowley County Community College and Hutchinson Community College. Within the KITE structure, each college will be responsible for

operating technical education programs in or near Wichita that serve the workforce training needs of the various economic sectors. Cowley County Community College has the responsibility for aviation training programs and has moved its operations in this area from its Strother Field campus to temporary quarters at the Cessna Aircraft Pawnee Plant.

The size, layout and cost of the new aviation training facility is not known at this time. Costs of similar projects in other states have cost between \$6 million and \$8 million. KTTI proposes to establish a design comprised of facilities engineers and technical trainers to work with Cowley Community College, the City of Wichita and a project architectural firm to develop a development program, conceptual design and preliminary cost estimates. The four aviation companies and Cowley Community College have committed to advance \$5,000 each (\$25,000) to cover the initial phase of conceptual design. These funds are to be reimbursed when and if the project is permanently financed.

Because the project will be located on Wichita Airport property, KTTI and Cowley Community College are asking the City of Wichita to perform the function of sponsor and project manager. Under this arrangement, the City will serve as the contracting authority for design and construction of the facility, which will be leased on a “turn-key/triple-net” basis to Cowley Community College. The City will follow its standard procurement procedures for selection of all architects and contractors. All costs of operating the new aviation training facility would be the responsibility of Cowley CC.

The City, KTTI and Cowley Community College have several options for the permanent financing of the aviation training facility, including the use of Wichita Public Building Commission lease revenue bonds, City of Wichita general obligation bonds and Wichita Airport Authority airport special facility revenue bonds. A decision on the most appropriate form of financing can be made once the scope of the project is better identified through the conceptual design process.

**Financial Considerations:** The cost of completing a conceptual design is estimated to be around \$20,000. This cost will be funded by KTTI through advances from the four aviation companies and Cowley County Community College, up to \$25,000. Once the design consultant has been selected, KTTI will be invoiced for the full amount of the conceptual design contract, up to \$25,000.

**Legal Considerations:** The attached resolution authorizing the conceptual design of the aviation training facility will initiate the capital project and eventually provide the City with legal authority to use temporary note proceeds to fund design and construction. In order to incur costs beyond the conceptual design phase, however, the City Council must adopt an amending resolution that increases the scope and amount of the project.

**Recommendation/Actions:** It is recommended that the City Council adopt the resolution authorizing conceptual design of the proposed aviation training facility, to be constructed at Jabara Airport, and authorize selection of a design consultant.



## Agenda Item #27

City of Wichita  
City Council Meeting  
March 1, 2005

Agenda Report No. 05-0172

TO: Mayor and City Council Members

SUBJECT: Public Hearing on Proposed Assessments for Twenty one (21) Paving Projects in July 2005 Bond Sales Series 782 (Districts II, IV, V, VI)

INITIATED BY: Department of Public Works

AGENDA: New Business

Recommendation: Approve the proposed assessments and ordinances.

Background: The Council was notified on February 1, 2005 that the proposed assessment rolls were on file for public inspection in the Department of Finance.

Analysis: Notice of hearing letters were published February 7, 2005 in the Wichita Eagle being not less than ten days prior to the date of hearing. All affected property owners have been notified in writing. Department of Finance and Public Works staff held an informal hearing February 14, 2005 at 11:00 a.m. for the paving projects.

Financial Considerations: Statements of Special Assessment will be mailed to the property owners on March 11, 2005. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The assessments not paid during this period will be in the July 2005 bond sale. The interest added to the principal amount will be determined by the rate at which the bonds sell. The principal and interest will then be spread and placed on the 2005 tax roll.

Legal Considerations: These projects were initiated pursuant to provisions of K.S.A. 12-6a01 et seq. as amended. All of the projects were 100% petitions with the exception of:

Paving Projects		
472-83474	54.23% Petition	Improving Sedgwick, Athenian, Charles, St. Clair, Delaware, 54th St. N., 56th St. N. & 57th St. N. Street
472-83478	51.10% Petition	Improving Joann Mosley, 10th & 11th

Recommendation/Action: It is recommended that the City Council close the Public Hearing, approve the proposed assessments and place the ordinances on first reading.

#### HEARING ON PROPOSED ASSESSMENTS FOR IMPROVING PAVING PROJECTS

On February 1, 2005, the Council was notified that the proposed assessment rolls for improving of paving projects had been prepared and were on file in the office of Debt Management in the Finance Department for public inspection:

#### PAVING PROJECTS:

- A. (490-752/472-83250) CONSTRUCTING A PEDESTRIAN WALKWAY & WATER & SANITARY SEWER SERVICE LINES (On Mead, between Douglas & 1st Street), as authorized by Resolution R-00-272, rescinded by Resolution No. 05-014, adopted July 11, 2000, January 04, 2005, and published July 14, 2000, January 10, 2005. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$55,999.00 is to be apportioned 100 % payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- B. (490-935/472-83385) IMPROVING MILSTEAD, MILSTEAD CT., LOTUS & SIDEWALK (East of 119th St. West, North of Pawnee), as authorized by Resolution R-01-242, adopted June 5, 2001, and published June 8, 2001. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$354,079.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- C. (490-945/472-83455) IMPROVING WAWONA (East of K-96, South of 21st), as authorized by Resolution R-01-510, rescinded by Resolution No. R-03-625, amended by Resolution No. R-04-142, adopted December 11, 2001, December 2, 2003, & April 6, 2004, and published December 15, 2001, December 5, 2003 & April 8, 2004. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$121,950.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- D. (490-828/472-83474) IMPROVING SEDGWICK, ATHENIAN, CHARLES, ST. CLAIR, DELAWARE, 54TH ST. N., 56TH ST. N., & 57TH ST. N. (North of 53rd St. N., East of Meridian), as authorized by Resolution R-02-069, rescinded by Resolution No. R-02-337, adopted February 5, 2002 & July 9, 2002, and published February 9, 2002; July 13, 2002; corrected & republished July 20, 2002 & corrected & republished

December 20, 2004. Petition for this improvement was signed by owners representing 54.23% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$767,254.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a square foot basis.

E. (490-829/472-83478) IMPROVING JOANN (North of Central, South of Zoo Boulevard), as authorized by Resolution R-02-068, adopted February 5, 2002, and published February 9, 2002, corrected & republished January 14, 2005. Petition for this improvement was signed by owners representing 51.10% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$158,607.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a square foot basis.

F. (490-887/472-83637) IMPROVING PECKHAM, PECKHAM COURT & SIDEWALK (East of 127th St. E, North of 21st St.), as authorized by Resolution R-02-507, adopted November 19, 2002, and published November 25, 2002. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$250,066.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

G. (490-940/472-83638) IMPROVING PECKHAM, MAINSGATE CIRCLE & SIDEWALK (North of 21st, East of 127th Street East), as authorized by Resolution R-03-244, adopted May 20, 2003, and published May 23, 2003. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$220,895.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

H. (490-888/472-83647) IMPROVING CAMDEN CHASE & SIDEWALK (North of 21st, East of 127th Street East), as authorized by Resolution R-02-508, rescinded by Resolution No. R-04-434, adopted November 19, 2002 & August 17, 2004, and published November 25, 2002 & August 20, 2004. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$113,888.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

I. (490-959/472-83716) IMPROVING BRACKEN CIRCLE & ZIMMERLY COURT (South of Lincoln, West of 127th Street East), as authorized by Resolution R-03-142, rescinded by Resolution No. R-04-523, adopted March 18, 2003 & September 21, 2004, and published March 22, 2003 & September 24, 2004. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$220,100.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

J. (490-913/472-83772) IMPROVING NORTHWIND, NORTHWIND CIR., HAZELWOOD, NORTHSORE CIR., NORTHWIND CT., & SIDEWALK (East of Ridge, North of 29th Street North), as authorized by Resolution R-03-234, adopted May 13, 2003, and published May 16, 2003. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$263,577.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

K. (490-947/472-83782) IMPROVING PARKDALE, BRISTLE CONE, BRISTLE CONE CIRCLE, LANTANA, LANTANA COURT & SIDEWALK (South of 29th Street North, West of Maize), as authorized by Resolution R-03-575, rescinded by Resolution No. R-04-093, adopted November 4, 2003 & March 2, 2004, and published November 7, 2003 & March 5, 2004. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$331,440.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

L. (490-973/472-83789) IMPROVING RED FOX CIRCLE (North of 29th Street North, Between Maize & Tyler), as authorized by Resolution R-03-304, adopted June 10, 2003, and published June 13, 2003. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$66,220.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

M. (490-933/472-83848) IMPROVING ANDREA, ANDREA CT. & TARA FALLS CT. (East of Greenwich, South of Harry), as authorized by Resolution R-03-518, adopted September 16, 2003, and published September 19, 2003. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$234,667.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

N. (490-942/472-83860) IMPROVING 27TH STREET SOUTH (North of 31st Street South, West of Seneca), as authorized by Resolution R-03-539, amended by Resolution No. R-04-215, rescinded by Resolution No. R-04-389, adopted October 21, 2003, May 4, 2004 & August 3, 2004, and published October 24, 2003, May 7, 2004, corrected & republished May 18, 2004, August 6, 2004, corrected & republished August 14, 2004. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$96,722.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

O. (490-946/472-83892) IMPROVING ST. PAUL, ST. PAUL COURT & SIDEWALK (West of Meridian, South of MacArthur), as authorized by Resolution R-03-650, adopted December 16, 2003, and published December 22, 2003. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$121,680.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

P. (490-952/472-83930) IMPROVING AUBURN HILLS, MONTEREY, OCALA, AUBURN HILLS CT. & SIDEWALK (West of 135th Street West, North of Kellogg), as authorized by Resolution R-04-017, rescinded by Resolution No. R-04-120, adopted January 6, 2004 & March 16, 2004, and published January 9, 2004 & March 19, 2004. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$481,323.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

Q. (490-955/472-83937) IMPROVING 20TH STREET (South of 21st Street North, East of Webb Road), as authorized by Resolution R-04-041, adopted February 3, 2004, and published February 13, 2004, corrected & republished August 13, 2004. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$98,449.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

R. (490-970/472-83954) CONSTRUCTING A TRAFFIC SIGNAL ON 21ST STREET NORTH (North of 21st, West of Greenwich), as authorized by Resolution R-04-074, adopted February 10, 2004, and published February 13, 2004. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$120,772.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

S. (490-971/472-83956) IMPROVING MAIZE CT. & HAMMERHEAD CUL-DE-SAC (West of Maize, South of Pawnee), as authorized by Resolution R-04-089, rescinded by Resolution No. R-04-611, adopted March 2, 2004 & November 9, 2004, and published March 5, 2004 & December 7, 2004. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$110,343.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

T. (490-969/472-83957) CONSTRUCTING A TRAFFIC SIGNAL AT THE INTERSECTION OF MAIZE ROAD & CENTRAL PARK STREET (North of 21st, West of Maize), as authorized by Resolution R-04-088, rescinded by Resolution No. R-04-447, adopted March 2, 2004 & August 31, 2004, and published March 5, 2004 &

September 3, 2004, corrected & republished September 25, 2004, corrected & republished October 16, 2004. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$91,161.00 is to be apportioned to the improvement district. The cost has been assessed on a fractional basis.

U. (490-976/472-83968) IMPROVING GLENWOOD CIRCLE (East of 127th Street East, South of 21st), as authorized by Resolution R-04-116, adopted March 16, 2004, and published March 19, 2004. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$163,062.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

### **Agenda Item # 28**

City of Wichita  
City Council Meeting  
March 1, 2005

Agenda Report No. 05-0173

TO: Mayor and City Council Members

SUBJECT: Petition to pave Fairview, north of 30th Street North (District VI)

INITIATED BY: Department of Public Works

AGENDA: New Business

Recommendations: Approve the Petition.

Background: On August 2, 2004, District VI Advisory Board considered a Petition for paving Fairview north of 30th Street North. At the request of the Petition signer, the Board deferred action on the Petition. The Petition signer has submitted a new Petition with a modified improvement district. The signatures on the new Petition represent 1 of 7 (14.29%) resident owners and 54.99% of the improvement district area. District VI Advisory Board sponsored a February 7, 2005, neighborhood hearing on the project. The Board voted 8-0 to recommend approval of the petition.

Analysis: The project will provide paved access to a partially developed residential area.

Financial Considerations: The estimated project cost is \$79,000, with \$58,460 assessed to the improvement district and \$20,540 paid by the City. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.66 per square foot of property. The City share is for the cost of intersection paving.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Recommendation/Actions: It is recommended that the City Council approve the Petition and adopt the Resolution.

### **Agenda Item No. 29**

City of Wichita  
City Council Meeting  
March 1, 2005

Agenda Report No. 05-0174

TO: Mayor and City Council Members

SUBJECT: Meridian Improvement, between 31st Street South and Pawnee  
(District IV)

INITIATED BY: Department of Public Works

AGENDA: New Business

Recommendations: Approve the project.

Background: The 2004-2013 Capital Improvement Program adopted by the City Council includes a project to improve Meridian, between 31st Street South and Pawnee. District IV Advisory Board sponsored a November 3, 2004, neighborhood hearing on the project. The Board voted 8-0 to recommend approval of the project.

Analysis: The project will reconstruct Meridian to provide four through lanes and a left turn lane at 27th Street South. Traffic signals will be improved at the intersection of Meridian at Pawnee. A new storm water sewer will be constructed. The available right-of-way will be landscaped. Construction is planned for 2005.

Financial Considerations: The estimated project cost is \$3,809,000 with \$1,555,000 paid by the City and \$2,254,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds.

Legal Considerations: The Law Department has approved the authorizing Ordinance as to legal form.

Recommendation/Actions: It is recommended that the City Council approve the project, place the Ordinance on First Reading, and authorize the signing of State/Federal agreements as required.

### **Agenda Item No. 30**

City of Wichita  
City Council Meeting  
March 1, 2005

Agenda Item No. 05-0175

TO: Mayor and City Council Members

SUBJECT: Oliver St. Bridge at Gypsum Creek Improvement (District III)

INITIATED BY: Department of Public Works

AGENDA: New Business

Recommendations: Approve the project.

Background: The 2004-2013 Capital Improvement Program adopted by the City Council includes a project to improve the Oliver St. Bridge at Gypsum Creek. District III Advisory Board sponsored a February 2, 2005, neighborhood hearing on the project. The Board voted 8-0 to recommend approval of the project.

Analysis: The project will rehabilitate the existing bridge including replacement of the sidewalks along both sides of the bridge. Gabion retaining walls will be installed at the south channel and stone rip rap at the north channel to prevent erosion. Construction is planned for 2006.

Financial Considerations: The estimated project cost is \$1,085,000 with \$535,000 paid by the City and \$550,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds.



Legal Considerations: The Law Department has approved the authorizing Ordinance as to legal form.

Recommendation/Actions: It is recommended that the City Council approve the project, place the Ordinance on First Reading, and authorize the signing of State/Federal agreements as required.

### **Agenda Item No. 31**

City of Wichita  
City Council Meeting  
March 1, 2005

Agenda Report No. 05-0176

TO: Mayor and City Council

SUBJECT: Metropolitan Planning Area Boundary and Membership Agreement  
(All Districts)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: City Council (New Business)

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Recommendation: Approve Metropolitan Planning Area Boundary and Membership Agreement.

Background: The Metropolitan Planning Area Boundary and Membership Agreement is an agreement between the Kansas Department of Transportation, the City of Wichita and Sedgwick County to expand the planning boundary and provide for expanded representation on the Metropolitan Planning Organization's Policy Body.

Analysis: The Agreement has been reviewed by the Law Departments of the City of Wichita, Sedgwick County and the Kansas Department of Transportation. The document has been presented to the Metropolitan Planning Organization Policy Body on February 24, 2005 and the Coordinating Committee for Transportation Planning on December 28, 2004 for review and comment. The new agreement provides for:

- a. An expanded metropolitan planning area boundary;
- b. Nineteen (up from fourteen) voting members of the Policy Body;

- c. Renaming the MPO to reflect the expansion of the planning area;
- d. Continuity of MAPD staff services to the MPO;
- e. Continuity of City of Wichita services as fiscal agent for MPO and MAPD budgets;
- f. Authority for the MPO Policy Body to adopt new and revised bylaws; and
- g. Revisions to this agreement by KDOT and the governing bodies of Wichita and Sedgwick County.

Financial Considerations: The Agreement provides the continuity of City of Wichita as fiscal agent for MPO related budgets.

Legal Considerations: The Law Department has approved the agreement as to form and content.

Recommendations/Actions: Approve the Metropolitan Planning Area Boundary and Membership Agreement.

### **Agenda Item 32**

City of Wichita  
City Council Workshop  
March 1, 2005

Agenda Report No. 05-0177

TO: Mayor and City Council

SUBJECT: Community Events

INITIATED BY: City Manager's Office

AGENDA: New Business

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Recommendation: Approve the first reading of the proposed ordinance.

Background: The City has operated for many years using an established practice to assist citizens who request use of public property for a "special event." The process includes use of procedure guidelines and city code information through an application process. Applications are submitted to the City Manager's Office for use of general public property, Parks & Recreation Department for park property, and City Arts for Old Town Plaza. The approval policy has been effective but challenges exist for both

applicant and staff due to a variety of approval processes and issues associated with frequency, uniqueness and time constraints of requests.

An interdepartmental committee meets regularly to review each event application to identify options for any concerns related to public health and safety while providing consistency in approvals and compliance. Through the review process, the committee works with the applicant to resolve these issues. .

Analysis: A new ordinance for Community Events is proposed to simplify the application process for citizens. In addition to one point for submitting applications, it will also directly address issues of code compliance, safety, and consideration of residents with respect to property access, noise, and lighting for surrounding neighborhoods.

Legal Considerations: In addition to the creation of the proposed new ordinance for Community Events , the following revisions to existing city codes are recommended:

1. Noise: Creation of Sections 7.41.042, 7.41.043 and 7.41.045
  - Created to address sound associated with event, typically amplified music
2. Conduct in the Park: Creation of Sections 9.04.030, 9.04.040, 9.04.080 and 9.04.190 and repeal of the originals 9.04.030, 9.04.040, 9.04.070, 9.04.080 and 9.04.190.
  - Created and amended sections associated with approval of community events, parades, and sound
3. Obstructing Streets and Sidewalks: Amendments to Sections 10.04.130
  - Amended to allow obstructions associated with approved community event

The ordinances have been drafted by the Law Department and are approved as to form.

Financial Considerations: No fee is currently associated with a community event. The proposed fee schedule is based on time of application submittal. Approximately \$8,000 revenue would be generated based on a average fee of \$100.00 for typical annual number of 80 total applications to the city.

Recommendation/Actions: It is recommended that the City Council approves the first reading of the ordinance..

### **Agenda Item 33**

City of Wichita  
City Council Meeting  
March 1, 2005

Agenda Report 05-0178

TO: Mayor and City Council

SUBJECT: Contact Renewal: Convention & Visitors Bureau

INITIATED BY: City Manager's Office

AGENDA: New Business

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Recommendation: Approve the contract.

Background: The Contract for the current fiscal year was negotiated with staff and representatives from the Greater Wichita Convention and Visitors Bureau. This year, a special effort was made to include within the contract relevant and measurable goals. This will give the GWCVB a better opportunity to measure their achievements with respect to goals established.

2004 brought several successes to the GWCVB. Most clearly was the success of the Women Bowler's tournament that brought 42,000 people to Wichita. This made 2004 a fantastic year for conventions, with over 162,000 room nights and \$53.8 million direct revenue for Wichita. This well exceeded the goal of 115,410 room nights. The Bureau has also worked to enhance the tourism product and developed a new "brand" for Wichita through a new marketing campaign. Early indicators prove this to be successful through increased visitor requests and web activity.

Analysis: The proposed 2005 contract will continue marketing efforts and focus on priority projects. Some of the important CVB goals for this year include: continue growth in convention sales and tourism sales bookings; focus marketing efforts on the state of Kansas and key drive markets to increase tourism in Wichita; work to better package events with hotels and key destination opportunities such as golf, Aviation Festival, Holiday events and sports activities as well as aggressively seek additional cash from private investors and sponsors. For the first time, the goals of the Wichita Film Commission, a new organization operating within the auspices of the GWCVB, were included. Also, this year new a way of tracking room nights was established. Instead of increasing by percentage points from previous year goals, the organizations have agreed to use an average number from the past 5 years and increase based on that number. This avoids being eventually "topped out" on room night goals and allows for peaks and valleys such as when the WIBC was in town. The CVB will continue to strive to exceed the base goal and try and secure larger conventions comparable to the WIBC approximately every 5 years. Goals were also put in place to elevate visitor numbers and fund-raising that will increase Transient Guest Tax revenue in the Tourism and Convention fund and assist in the growth of the organization.

Financial Considerations: The proposed budget with the GWCVB provides for funding for \$1,715,820. The 2005 contract increases the CVB's allocation by \$145,990 from 2004 Adopted allocation of \$1,569,010.

Legal Considerations: The agreement has been approved as to form by the Department of Law.

Recommendations/Actions: It is recommended that the City Council approve the Contract with the Convention and Tourism Bureau and authorize the necessary signatures.

## **EXHIBIT B**

### **Greater Wichita Convention & Visitors Bureau** **2005 Performance Criteria**

It is mutually agreed and understood by the City of Wichita and the Wichita Convention and Tourism Bureau, Inc., d/b/a Greater Wichita Convention & Visitors Bureau, hereinafter referred to as the "City" and the "Delegate Agency" respectively, that the execution of this contract commits the Delegate Agency to the following goal statements and objectives.

#### **MISSION STATEMENT**

To market the Greater Wichita Area as a destination, thereby enhancing the economic development of the city, county, region and state.

**OBJECTIVE # 1:** The Delegate Agency will generate convention/meeting and travel trade business for Wichita.

- Convention Sales Future Bookings (Conventions booked from Jan 1-Dec. 31, 2005):
  - o Generate 102,000 room nights for a direct economic revenue impact of \$36,587,400.
- Five (5) year average of room night actual (2000-2004, less large bookings of 5,000 or more room nights) (e.g. Women International Bowling Congress, COGIC-Mennonite, American Bowling Congress, etc.)
- 2005 room night goal will consist of securing 30% new convention business per GWCVB new business definition.
- Conventions secured for groups greater than 5,000 room nights will not be included in room night goal for consistency of 5-year average.
- Formula: Room Nights x 1.7 average guest per room x \$211.00 expenditure level = direct revenue\*
- o Maintain a market mix of 40% international/national, 15% regional and 45% state/local, based upon room nights.
- o Generate 200 new qualified prospects with a conversion goal of 10 new conventions for the Wichita area.

\*Revenue formula from the 2003 International Association of Convention & Visitors Bureaus' Convention Income survey (previous amount was \$195.28 based on 1998 survey)

- Tourism Sales Bookings:

- o Motorcoach Overnight Tours: Generate overnight tours utilizing a total of 2,856 room nights for a direct economic revenue impact of \$685,440.
  - Represents a 2% increase over 2004 goal of 2,800.
  - Direct Revenue Formula: # of passengers x \$120.00 (average daily expenditure)
- o Generate 55 qualified tourism group prospects with a conversion goal of 6 new motorcoach tours to Wichita.
- Motorcoach Day Trips: Book 110-Day Trips comprised of 4,180 passengers for a direct economic impact of \$240,768.
  - o Represents a 10% increase over 2004 goal of 100 day trips.
  - o Direct Revenue Formula: # of passengers x \$57.60 (average daily expenditure).

Marketing & Promotion (Continue Implementation of a multi-faceted marketing program promoting tourism in Wichita)

- Continue to track Caller to Visit Conversion through reader service cards and promotional giveaway tracking.
- Generate 2,000 visitor inquiry leads through strategically placed advertising in various publications (e.g. AAA Home & Away, American Cowboy, The Kansas Traveler, Meet Kansas, etc.), which will allow marketing opportunities to be directed to new visitors to Wichita.
- Advertising the Greater Wichita area through the recently developed brand and tag line by the following advertising initiatives:
  - o Create one (1) new FAM tour for each of the following segments to generate new business
    - § Convention/Meeting – State, Regional and National markets
    - § Motorcoach
  - o Utilize print, television and radio advertising to promote image and annual events in Wichita.
    - § Purchase television, radio and print advertising in Kansas City Metro area, which is a specific drive market for Wichita
- Tourism Package Programs
  - o Utilize website [www.visitwichita.com](http://www.visitwichita.com) to encourage repeat or new visitation
  - § Create and market monthly get-away package with dining, shopping and entertainment
    - o In partnership with Wichita-area hotels, attractions and others, develop five (5) packaged programs to market through Bureau website, [www.visitwichita.com](http://www.visitwichita.com). As a new marketing program, track the conversion rate of these package programs with the goal of 500 visitors (minimum of 100 per package) participating in the package program. (e.g. Golf, River Festival, Aviation Festival, Holiday Events, Sports etc.).
    - o Implement a tracking mechanism through website package which will provide reportable results on its economic impact.
    - o Implement Map Network software for improved directional information

- Wichita Film Commission
  - o The Wichita Film Commission, a division of the GWCVB, works in assisting production companies when shooting on-location in our city.
  - Generate Five (5) film productions to take place in Wichita, which will allow the Wichita area to be showcased to the world and have an economic impact during the production while in Wichita.
  - Continue to enhance relationships with film producers and production companies and create 5 (five) new relationships with production companies in LA and other film production cities.
- OBJECTIVE #2 (Funding): Secure additional private funding resources to achieve the Delegate Agency's mission.

- In-Kind & Cash Sponsorships
- o Aggressively seek \$275,000 in private cash or in-kind contributions from hospitality industry partners to augment the Delegate Agency's marketing efforts.

OBJECTIVE #3 (Awareness & Community Support): Generate positive awareness of Wichita as a leisure, convention and business destination and build community support for the Delegate Agency.

- o Market a monthly event with continued enhancements to the Delegate Agency website, thereby creating interest in residents and visitors on fun things to do in Wichita with a goal of 6.5 million visits, an increase of 8% over 2004 goal.
- o Produce a bimonthly newsletter for national, regional and statewide distribution, highlighting happenings in Wichita.
- o Give fifty (50) Speaking presentations about the travel & tourism industry and GWCVB that responds to requests and targets specific groups enhancing Wichita's tourism industry.
- o Partner with the Kansas Restaurant and Hospitality Association (KRHA) to develop a Hospitality Training Program usable for all tourism industry related business.

OBJECTIVE #4 (Visitor Experience): Monitor visitors experience and market research to make data driven decisions so as to maximize the use of public marketing dollars.

- o Conduct semi-annual surveys of in-market leisure (visitor inquiries) to track: the visitors' willingness to return; why they came; where they came from; dollars spent; and their visit satisfiers.
- o Perform post-convention surveys to ascertain customer satisfaction and future meeting plans.
- o Identify from post-convention surveys, the visitor experience enhancements that may be necessary to capture new markets.

Industry Indicators:

The Delegate Agency will quarterly track the following industry indicators, which reflect the economic growth and impact of tourism in the area.

- Transient Guest Tax Revenues
- Hotel Occupancy Rate
- Hotel Average Daily Rate (ADR)

#### 2005 Operating Budget

Personnel
\$ 921,289.00
Marketing & Events
\$ 510,289.00
General
\$ 284,242.00
TOTAL 2005 BUDGET
\$1,715,820.00

#### 1. METHOD OF PAYMENT

The Delegate Agency agrees payments under this contract shall be in accordance with established budgetary, purchasing and accounting procedures of the City of Wichita.

1.1. The City agrees to advance the Delegate Agency \$142,985.00 upon submittal by the Delegate Agency of the following: a) a written request for the advance. Said advance will be deducted in full from the reimbursement at the end of the contract period. Should 2005 transient guest tax revenues exceed budgeted projections, the City, at the Delegate Agency's request, will consider additional funding for special tourism projects that will enhance tourism initiatives.

1.2. The City agrees, after the initial advance, to reimburse the Delegate Agency on a monthly basis upon submittal of an invoice from the Delegate Agency. The City may request additional justification regarding items submitted for reimbursement and may decline payment for items not related to the promotion of convention and tourism in the city of Wichita, subject to discussion and resolution by and between the City Manager and the President/CEO of the Delegate Agency.

2. The Delegate Agency agrees to provide the City with the following information:

2.1. A monthly printout, which reflects all actual expenditures by line item and program expenditure.



2.2. An annual audit conducted by an independent Certified Public Accountant, which is in accordance with generally accepted audit standards. For 2004, the audit firm of BKD, LLP has been retained by the Delegate Agency.

2.3. The Delegate Agency will provide to the City Appointed Board Representative, a copy of the Board of Directors minutes.

### 3. INVENTORY

The Delegate Agency shall maintain in its office and file with the City an up-to-date inventory list of all personal property, e.g. furniture, fixtures, equipment, etc. purchased with transient guest tax funds and used for the administration of the program or in the administration of a project operated in conjunction with the contract. Such inventory list must identify each item purchased, state the physical location of same, the cost of each item, the date purchased and the City of Wichita inventory seal number must be affixed to each item. Authorized additional items purchased during the contract year shall be reported to the City within 30 days of receipt of it.

The Delegate Agency shall be responsible for conducting a physical inventory of each of the inventoried items with its final report for the contract year, certifying in written form that all such inventory items are in the possession of the Delegate Agency. No inventories items may be disposed of in any fashion without the prior written approval of the City.

### 4. PROGRAM PROGRESS REPORTS

The Delegate Agency as part of its obligation under section 3 of this contract shall submit a quarterly report to the City of Wichita for the quarters ending March 31, June 30, September 30, and December 31. These reports shall be due in the City Manager's Office in order to provide the City with the information to evaluate the Performance Criteria section of this contract. This report shall be submitted no later than 30 days following the end of each quarter.

## **Agenda Item No. 34**

City of Wichita  
City Council Meeting  
March 1, 2005

Agenda Report No. 05-0179

TO: Mayor and City Council

SUBJECT: DR2004-00009 – Adoption of Proposed Rezoning for Certain Properties in the Midtown Neighborhood. Generally located south of 18th Street, west of Santa Fe, north of Murdock, and east of the Little Arkansas River (District VI).

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Non-consent)

MAPC Recommendation: Approve. (11-0)

MAPD Staff Recommendation: Approve.

DAB Recommendation: DAB VI recommends approval unanimously.

Background:

In May 2004, following over a year of development and neighborhood input, the Wichita City Council adopted the Midtown Neighborhood Plan to serve as a blueprint for the conservation and revitalization of this historic neighborhood. The current zoning pattern for the Midtown neighborhood dates back over 50 years, and reflects a different vision for most of the neighborhood than has been identified by neighborhood property owners in the recently adopted Midtown Neighborhood Plan. One of the priority action items identified in the Plan is the creation of a zoning pattern that better reflects existing land use and protects existing investments while providing for future redevelopment opportunities.

The Mission of the Midtown Neighborhood Plan is “To enhance the appearance, safety, and quality of life in Midtown to make it an attractive and desirable place to live, work, and play for the benefit of all residents, businesses, visitors, and property owners.” A specific goal of the plan is to “Maintain and improve the character of the neighborhood”; unfortunately, much of the neighborhood is “over-zoned” for its character. Single-family homes in “B” Multi-family zoning, offices and homes in “LI” Limited Industrial zoning are typical examples. This zoning, which is inconsistent with current uses and structures, creates the risk of incompatible land uses in the neighborhood, it creates a risk to the character of individual homes and buildings, and it creates a risk to the character of the neighborhood as a whole. Uses deemed inappropriate by the Midtown Neighborhood Association are permitted under much of the existing zoning. Property owners can be reluctant to re-invest in their properties due to inappropriate uses that are allowed under the current zoning. A goal of the rezoning is to “match the current use with the appropriate zoning.”

Analysis:

The Midtown Neighborhood Rezoning Committee, consisting of neighborhood and city representatives, was formed to help recommend a new zoning scheme for the

neighborhood. This rezoning scheme will address all properties located within the following area: south of 18th Street, west of Santa Fe, north of Murdock, and east of the Little Arkansas River. The following principles were adopted to guide this process:

1. No property will be rezoned against the wishes of the property owner. No changes will be proposed that will prevent residents, businesses, or landlords from continuing their existing operations or uses.
2. No property will be rezoned to a higher intensity zoning classification. This is necessary in order to streamline the neighborhood rezoning initiative, while at the same time independently preserving full notification requirements normally associated with any property rezoning proposal for higher intensity uses.
3. Neighborhood-wide rezoning will be proposed that accommodates the wishes of property owners while facilitating future anticipated/desired land uses as envisioned in the Midtown Neighborhood Plan Land Use Concept Map. There will be no rezoning fees charged to property owners affected by this rezoning initiative.
4. Neighborhood-wide rezoning will be proposed that reflects the support and endorsement of the Historic Midtown Citizens' Association and the Midtown Neighborhood Plan Steering Committee.

Work began on the Midtown neighborhood-wide rezoning initiative in June 2004. An inventory and analysis of existing land uses and zoning was completed in July 2004. The Rezoning Committee subsequently completed a preliminary rezoning scheme that was presented at two neighborhood public meetings held on September 7th and October 26th at the Midtown Community Resource Center. Two letters were sent to all property owners in the Plan area, advising them of the rezoning initiative and inviting them to attend the neighborhood meetings. The Wichita Eagle published press releases for each of the public meetings, along with contact information.

On November 1, 2004, the final proposed rezoning scheme was presented to members of the District VI Advisory Board, who unanimously approved the proposal. On December 9th, the proposed rezoning scheme received the endorsement of the Advance Plans Committee.

On December 23, 2004, the Metropolitan Area Planning Commission set a public hearing date of January 27, 2005 to receive comments on the proposed rezoning scheme. Letters accompanied by detailed map sets that outline the nature of the proposed rezoning were sent to all property owners advising them of the public hearing date, and advising of the opportunity to have their property remain as currently zoned.

Copies of the existing and proposed zoning maps were posted on the City's web page. A full page, colored map legal notice was also placed in the Wichita Eagle on January 6, 2005 showing the existing zoning and proposed zoning maps for the Midtown neighborhood.

On January 27, 2005, the Metropolitan Area Planning Commission (MAPC) held a hearing to consider the area-wide rezoning initiative proposed for the Midtown neighborhood. The MAPC voted to approve the Midtown rezoning proposal (11-0) subject to the requirement that it reflects all property owner “opt-out” requests received as of 5:00 p.m., February 11, 2005. A total of 150 property owners have requested to “opt-out” of the proposed rezoning initiative.

An ordinance has been prepared that adopts the rezoning of certain properties located in the Midtown neighborhood by reference to the legal listing of properties contained in the document entitled “Midtown Neighborhood Rezoning” as recommended by the Metropolitan Area Planning Commission on January 27, 2005.

Financial Considerations: None.

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendations / Actions: It is recommended that the City Council:

1. Concur with the findings of the MAPC, and adopt the ordinance approving the Midtown neighborhood rezoning proposal.
2. Return the proposal to the MAPC for reconsideration.

(An override of the Planning Commission’s recommendation requires a two-thirds majority vote of the members of the governing body on the first hearing.)

### **Agenda Item 35**

City of Wichita  
City Council Meeting  
March 1, 2005

Agenda Report No. 05-0180

TO: Mayor and City Council Members

SUBJECT: ZON 2003-61: Zone Change Request from GC, General Commercial District to SF-5, Single Family Residential, Located West of 135th Street West and on the North Side of Kellogg. (District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

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MAPC Recommendation: Approve, subject to platting.

Background: On January 6, 2004, a zone change request (ZON 2003-61) was presented to the City Council. The action of the City Council was to approve the zone change subject to platting within one year. The plat (Auburn Hills 15th Addition) was also approved at that time; however, the first reading of the Ordinance was not included with the plat's approval.

Analysis: The associated zoning Ordinance is being forwarded for first reading.

Financial Consideration: None.

Legal Consideration: The Ordinance has been "Approved as to Form" by the City Attorney.

Recommendations/Actions: Approve first reading of the Ordinance.

### **Agenda Item #36**

City of Wichita  
City Council Meeting  
March 1, 2005

Agenda Report No. 05-0181

TO: Mayor and City Council Members

SUBJECT: SUB 2004-142 -- Plat of Turkey Creek Second Addition, Located on the North Side of Pawnee and on the West Side of 119th Street West. (District IV)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

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Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (13-0)

Background: This unplatted site, consisting of 193 lots on 82.46 acres, is located within Wichita's city limits and is zoned SF-5, Single Family Residential District.

Analysis: Petitions, 100% percent, and a Certificate of Petitions have been submitted for sewer, water, drainage, paving and left-turn lane improvements. A Restrictive Covenant was submitted to create a lot owner's association to provide for the ownership and maintenance of the proposed reserves. A Restrictive Covenant was also submitted to provide four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

Legal Considerations: The Certificate of Petitions and Restrictive Covenants will be recorded with the Register of Deeds.

Recommendations/Actions: Approve the documents and plat, authorize the necessary signatures and adopt the Resolutions.

### **Agenda Item #37**

City of Wichita  
City Council Meeting  
March 1, 2005

Agenda Report No. 05-0182

TO: Mayor and City Council Members

SUBJECT: SUB 2005-01 -- Plat of Hanneman Addition, Located East of Meridian and South of 37th Street North. (District VI)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

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Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

Background: This unplatted site, consisting of one lot on 1.26 acres, is located within Wichita's city limits. The site has been approved for a zone change (ZON 2004-50) from SF-5, Single-Family Residential District to NO, Neighborhood Office District. A Protective Overlay (P-O #148) was also approved for this site.

Analysis: City water and sanitary sewer are available to serve the site. A Notice of Protective Overlay has been submitted addressing uses, signage, access, paving and lighting. In accordance with the Protective Overlay, a Cross-lot Access Agreement and a No-Protest Agreement for the future paving of Amidon has been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinance should be withheld until the Plat is recorded with the Register of Deeds.

Legal Considerations: The Notice of Protective Overlay, Restrictive Covenant and No-Protest Agreement will be recorded with the Register of Deeds.

Recommendations/Actions: It is recommended that the City Council approve the documents and plat, authorize the necessary signatures and approve first reading of the Ordinance.

### **Agenda Item No. 38**

City of Wichita  
City Council Meeting  
March 1, 2005

Agenda Report No. 05-0183

TO: Mayor and City Council

SUBJECT: VAC2004-00046 Request to vacate the restriction of uses to allow construction of structures, fill, change of grade, or creation of a channel to a portion of platted floodway easement, generally located northeast of the 13th Street North-Webb Road intersection on the south side of Waterfront Parkway. (District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (Unanimously)

Background: The applicant is requesting consideration for the vacation of a 0.43-acre platted floodway easement located in the north side of Lot 3, Block 1, the Waterfront Addition. Per the plat's text, restrictions within the floodway include "no structure shall be constructed on or within the said floodway, nor shall any fill, change of grade, creation of a channel or any other work on be carried out without the permission of the City

Engineer.” The floodway easement abuts Reserve “C” and a larger floodway easement and is also adjacent to Reserve “B” all in the Waterfront Addition. Per the plat’s text, the uses allowed in Reserves “C” & “B” include drainage and floodway. There are no sewer or water lines in the floodway reserve. The applicant proposes to use the additional area in the floodway for a building site on Lot 3, Block 1, Waterfront Addition. Storm Water has approved the vacation of the restrictions of uses on the described portion of platted floodway easement to allow the development. The Waterfront Addition was recorded with the Register of Deeds on January 24, 2003.

Analysis: The MAPC voted to approve (11-0) the vacation request. No one spoke in opposition to this request at the MAPC’s advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Financial Considerations: None.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendation/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

### **Agenda Item No. 39**

City of Wichita  
City Council Meeting  
March 1, 2005

Agenda Report No. 05-0184

TO: Wichita Airport Authority

SUBJECT: Safety Building Expansion – Change Order  
Wichita Mid-Continent Airport

INITIATED BY: Airport Department

AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve the change order.



Background: On August 5, 2003 Martin K. Eby Construction was awarded the contract for an Airport Safety Building Expansion in the amount of \$1,653,000.

Analysis: A change order has been prepared to address items incurred during construction.

Financial Considerations: The change order includes some deducts, but resulted in a net increase of \$30,448. It will be fully funded with a Federal grant and Passenger Facility Charges. Funds are available in the current approved budget. Total change orders are one percent of the original contract amount.

Legal Considerations: The change order has been approved by the Federal Aviation Administration and the Law Department.

Recommendations/Actions: It is recommended that the Wichita Airport Authority approve the change order, and authorize the necessary signatures.

#### **Agenda Item No. 40**

City of Wichita  
City Council Meeting  
March 1, 2005

Agenda Report No. 05-0185

TO: Wichita Airport Authority

SUBJECT: Agreement – Empire Airlines, Inc.

INITIATED BY: Airport Department

AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve the Agreement.

Background: The multi-tenant cargo building on Mid-Continent Airport consists of 31,500 sq.ft. and includes space for 15 different tenants. The leases currently in place are for a three-year period terminating June 30, 2005. Rent for use of space in this building is \$6.50 per sq.ft. per year.

Analysis: An Agreement was taken to Council on December 21, 2004 with Gearbuck Aviation Services; however, the agreement was not consummated in that the company's

business plan has since changed and does not warrant physical space in the Wichita market. Empire Airlines has provided a letter of intent to lease the space formerly requested by GearBuck, to be effective February 26, 2004. Empire Airlines provides pilots for Federal Express in the Wichita market. They are interested in leasing 1,200 sq.ft. of space in the cargo building.

Financial Considerations: Revenue to the airport will be \$650 per month, or \$7,800 per year.

Legal Considerations: The Agreement has been approved as to form by the Department of Law.

Recommendations/Actions: It is recommended that the Wichita Airport Authority approve the Agreement, and authorize the necessary signatures.